

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA, ) CASE NO. 5:05CR00019  
v. ) (CASE NO. 5:13CV80575)  
MARK JAMES KONSAVICH, )  
Defendant. )  
By: Glen E. Conrad  
Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that defendant's motion styled as a "MOTION TO AMEND INITIAL PETITION PURSUANT TO RULE 15(C); MOTION PURSUANT TO 28 U.S.C. § 2255(f)(3); MOTION FOR SPECIFIC PERFORMANCE OF PLEA AGREEMENT" is **CONSTRUED** as a second or successive motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, is summarily **DISMISSED** as successive under § 2255(h), and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

**ENTER:** This 24th day of April, 2013.

Yours Comed

### Chief United States District Judge